

EX PARTE OR LATE FILED

SWIDLER  
&  
BERLIN

CHARTERED

RECEIVED

JUN 1 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

June 1, 1994

**VIA HAND DELIVERY**

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: Oral Ex Parte Presentation in OPP Docket No. 93-253  
and Gen Docket No. 90-314

Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(2)(1993), this is to provide an original and one copy of a notice of oral ex parte presentation made in the above-referenced rulemaking proceeding by Jean L. Kiddoo and Shelley L. Spencer of Swidler & Berlin, Chartered on behalf of Springwich Cellular Limited Partnership.

On May 31, 1994, Jean L. Kiddoo and Shelley L. Spencer met with Byron F. Marchant and James R. Coltharp, Legal Advisors to Commissioner Andrew C. Barrett, to discuss the status of a proceeding pending at the Connecticut Department of Public Utility Control ("DPUC") in which that Department is considering whether to petition the FCC for continued authority to regulate the rates of the wholesale cellular carriers. At the meeting, the participants discussed the timing of the FCC's decisions regarding broadband PCS and the fact that the Connecticut DPUC has expressed an interest in the FCC's decisions on June 9 as to the FCC's efforts to facilitate the prompt development of new CMRS services. In addition, the participants discussed the FCC's continued jurisdiction over cellular carriers and commitment to oversee developments in the CMRS services, including the cellular industry, with respect to interconnection and other matters, such as the continued exercise of its Title II jurisdiction. A handout is also being provided with this notice that describes the results of a recent informal survey of state proceedings that have been initiated to consider whether to petition the FCC for continue authority to regulate rates of cellular services.

3000 K STREET, N.W. ■ SUITE 300

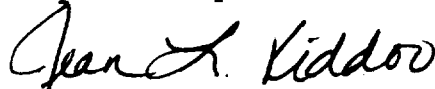
WASHINGTON, D.C. 20007-5116

(202)424-7500 ■ TELEX 701131 ■ FACSIMILE (202)424-7645

Mr. William F. Caton  
June 1, 1994  
Page 2

Should any further information be required with respect to this ex parte notice, please contact the undersigned.

Respectfully submitted,



Jean L. Kiddoo  
Shelley L. Spencer

Attachment

cc: Byron F. Marchant (by hand)  
James R. Coltharp (by hand)  
Peter Tyrrell (SCLP)

**LATE FILED EXHIBIT NO. 6**

**Requested by the Department of Public Utility Control**

**PROCEEDINGS IN OTHER STATES**

**Springwich Cellular Limited Partnership  
Docket No. 94-03-27**

**Witness Responsible: J. P. Brennan**

**Question:** Provide a list of proceedings in other states regarding whether the state is considering to seek extension of rate authority. Include docket number.

**Answer:** Attachment A depicts the results of an informal survey of other state proceedings that have been initiated to consider whether a state regulatory commission will petition the FCC for authority to continue rate regulation of cellular carriers. The survey was informal and was prepared by Springwich Cellular Limited Partnership based on telephone calls with cellular carriers in other states. The survey does not reflect direct communication with state regulatory commissions.

In this survey, states are classified as either "regulated", "partially regulated" or "not regulated". The extent of regulation depends on each jurisdiction's cellular regulatory policy. A "regulated jurisdiction" requires a carrier to obtain a Certificate of Public Convenience and Necessity ("CPCN") and file tariffs for both the wholesale and retail level. A "partially regulated" jurisdiction typically means that a CPCN and a tariff filing are required at the wholesale level but not at the retail level. A jurisdiction that is "not regulated" does not require cellular carriers, at the wholesale or retail level, to obtain a CPCN or file tariffs of any kind.

	STATE	REGULATED?	PROCEEDING/STATUS
1	ALABAMA	No	
2	ALASKA	Yes	
3	ARIZONA	Partial	Informal discussions. (No docket)
4	ARKANSAS	Partial	
5	CALIFORNIA	Yes	Docket 93-12-007
6	COLORADO	No	
7	CONNECTICUT	Partial	Docket No. 94-03-27
8	DELAWARE	No	
9	FLORIDA	No	
10	GEORGIA	No	
11	HAWAII	Yes	Task force formed within PUC to investigate. (No docket.)
12	IDAHO	No	
13	ILLINOIS	Partial	No formal proceeding.
14	INDIANA	No	
15	IOWA	No	
16	KANSAS	No	
17	KENTUCKY	Partial	May be addressed in Administrative Case No. 344 (1992 proceeding still in progress).
18	LOUISIANA	Yes	Informal investigation. (No docket.) Conducting research to reconsider vote to file petition with the FCC.

	STATE	REGULATED?	PROCEEDING/STATUS
19	MAINE	No	Deregulated.
20	MARYLAND	No	Deregulated by statute.
21	MASSACHUSETTS	Yes	Docket 94-73
22	MICHIGAN	No	No action.
23	MINNESOTA	No	
24	MISSISSIPPI	Partial	No formal proceeding.
25	MISSOURI	No	
26	MONTANA	No	
27	NEBRASKA	No	
28	NEVADA	Yes	<del>Informal staff analysis underway; recommendation to PSC due May 31. (No docket.)</del>
29	NEW HAMPSHIRE	No	Deregulated by statute.
30	NEW JERSEY	No	Deregulated by statute.
31	NEW MEXICO	Partial	No formal proceeding.
32	NEW YORK	Yes	Matter under consideration. (No formal proceeding.)
33	NORTH CAROLINA	No	Although cellular had been deregulated, the Commission reaffirmed its previous decision with an Order issued January 31, 1994 to not petition the FCC.
34	NORTH DAKOTA	No	
35	OHIO	Partial	Matter under consideration. No formal proceeding.
36	OKLAHOMA	No	

Commission decided on 5/31/94 not to petition the FCC for continued rate regulation. (No docket.) ←

	STATE	REGULATED?	PROCEEDING/STATUS
37	OREGON	No	
38	PENNSYLVANIA	No	Deregulated by statute.
39	RHODE ISLAND	No	Deregulated by statute
40	SOUTH CAROLINA	Partial	Notice issued May 16, 1994 requesting comments by June 13, 1994. (No docket)
41	SOUTH DAKOTA	No	
42	TENNESSEE	Partial	Addressed in local exchange competition proceeding. (Docket 94-00184)
43	TEXAS	No	Deregulated by statute.
44	UTAH	Partial	No formal proceeding.
45	VERMONT	Yes	No formal proceeding.
46	VIRGINIA	Partial	No action/will not petition.
47	WASHINGTON	No	
48	WEST VIRGINIA	Yes	Order issued March 21, 1994 to not seek extension of rate authority.
49	WISCONSIN	No	
50	WYOMING	Partial	No formal proceeding.